



ocket No. BAC-0029

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Gregory James Newell  
Serial No. : 10/609,276  
Filing Date : June 27, 2003  
Art Unit : 3652  
Examiner :  
For : RECONFIGURABLE POWER HANDLING DEVICE

Commissioner for Patents Attn: OIPE Customer Service  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

CERTIFICATE OF MAILING  
BY "EXPRESS MAIL" UNDER 37 C.F.R. 1.10

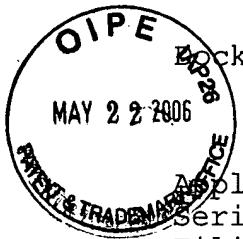
"Express Mail" mailing label number: EQ282168972US.

Date of Deposit: May 22, 2006.

I hereby certify that the attached Transmittal Letter together with a "PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a)" and Attachments (A) - (D) as mentioned therein, are being deposited with the United States Postal Service, "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and addressed to: Commissioner for Patents, Attn: OIPE Customer Service, Box 1450, Alexandria, VA 22313-1450.

John R. Flanagan, Reg. No. 25758  
Name of patent attorney mailing paper

John R. Flanagan  
Signature of John R. Flanagan



Packet No. BAC-0029

PATENT

MAY 22 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No. : 10/609,276  
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P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

TRANSMITTAL LETTER

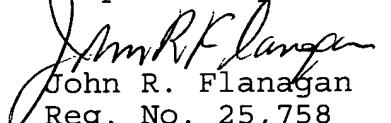
This is in response to the attached copy of the "NOTICE OF ABANDONMENT UNDER 37 CFR 1.53(f) OR (g)" which was mailed from the U.S. PTO on April 19, 2006. Transmitted herewith for filing in the above-identified patent application is a "PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a)" and the following documents being Attachments thereto:

- (A) true copy of the "NOTICE OF ABANDONMENT UNDER 37 CFR 1.53(f) OR (g) - 2 pages;
- (B) true copy of originally filed reply to PTO notice mailed on Sept. 29, 2003 - 13 pages, which includes: photocopy of both sides of a properly itemized date-stamped postcard receipt, "TRANSMITTAL LETTER", "NOTICE TO FILE CORRECTED APPLICATION PAPERS - FILING DATE GRANTED" which is the PTO notice mailed on Sept. 29, 2003, and 10 sheets of replacement patent drawings with corrected margins;
- (C) true copy of "WITHDRAWAL OF PREVIOUSLY SENT NOTICE" and its attachment entitled "NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)" - 3 pages; (the "WITHDRAWAL etc." document carries a handwritten memo made by the undersigned attorney which is explained in the enclosed "PETITION etc."

(D) true copy of a record of telephone calls made by the undersigned attorney using his mobile (cell) phone (whose number is 541-514-4754) during month of February 2004 - 1 page; it shows he made a call on 2/27/04 to Arlington, VA @ 7:31 AM (Pacific Time Zone) to telephone no. 703-308-1202, lasting for 20 minutes. Note that this telephone no. is same as the one set forth at bottom of the "WITHDRAWAL etc." document of Attachment (C).

No petition fee is required. However, as explained in the accompanying "PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a), the undersigned attorney herewith is submitting a check, no. 1337, in the amount of \$60 payable to the Commissioner for Patents to pay for the additional "fees due" mentioned in the (notice) document of Attachment (C) should that be now considered by the PTO as the outstanding unresolved issue behind this holding of abandonment.

Respectfully submitted,



John R. Flanagan

Reg. No. 25,758

Registered Patent Attorney

Date: May 22, 2005

P.O. Box 2629  
Eugene, OR 97402  
(541) 687-4754  
Fax: (541) 687-5707



Docket No. BA 0029

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Gregory James Newell  
Serial No. : 10/609,276  
Filing Date : June 27, 2003  
Art Unit : 3652  
Examiner :  
For : RECONFIGURABLE POWER HANDLING DEVICE

Commissioner for Patents      Attn: OIPE Customer Service  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT  
UNDER 37 CFR 1.181(a)

SIR:

Applicant hereby petitions under 37 CFR 1.181(a) to have the holding of abandonment withdrawn in view of the following:

1. The "NOTICE OF ABANDONMENT etc." document, see Attachment (A), provides on its first 2 lines that "The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 09/29/2003" (underlining added by the undersigned attorney for emphasis). The only document the undersigned attorney for applicant could locate online in the official PTO file of the subject application that is dated 09/29/2003 is the one entitled "NOTICE TO FILE CORRECTED APPLICATION PAPERS - FILING DATE GRANTED" which is contained in Attachment (B). The latter (Notice) document only mentions as "the required item(s) ..." that "must be timely submitted to avoid abandonment" as "replacement drawings..." with appropriate margins corrected. Attachment (B) is a true copy of Applicant's reply to this (Notice) document filed in the PTO on December 1, 2003, as per the copy of a date-stamped postcard receipt contained in Attachment (B). It is submitted that Applicant's reply (Attachment (B)) by the undersigned attorney satisfies the requirement of the 09/29/2003 PTO notice and is sufficient to overcome the grounds of the holding of abandonment.

2. As background to the taking the aforementioned action, the undersigned attorney wishes to inform the PTO that by that date (12/01/2003) the undersigned attorney had been contacted by applicant around November 18, 2003 and requested to act upon applicant's behalf to reply to the 09/29/03 PTO notice. A new power of attorney was executed by applicant around December 1, 2003 but was not received by the undersigned attorney from applicant until around 01/02/04 when it was submitted by the undersigned attorney to the PTO on January 5, 2004 (as per a date-stamped postcard receipt not enclosed but in the possession of the undersigned attorney; this date is also stated in the PTO online record of the application). The undersigned attorney was told by applicant that the original attorney of record, Mr. Collins, had informed applicant prior to December 1, 2003 that he (Mr. Collins) would be unable to continue representation of applicant before the PTO due to a recent change in employment status and the new employer would not permit outside patent clients. However, apparently, after so advising applicant Mr. Collins continued to undertake certain communications with the PTO on behalf of applicant which were unknown at the time by the undersigned attorney and applicant but which the undersigned attorney recently learned of from the PTO online official record of this application. It appears to the undersigned attorney that these separate communications between Mr. Collins and the PTO are the source of some degree of confusion in the record of this application and may have ultimately lead to this holding of abandonment.

3. The undersigned attorney now suspects (but is not certain of this) that the "fees due" of \$60 as cited on the "NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL) - FILING DATE GRANTED", see Attachment (C), is being interpreted by the PTO at this point in time as part of a missing application parts requirement of the original PTO notice of 09/29/2003. However, it is the position of the undersigned attorney such interpretation is not supported by the record since no mention of any "fees due" appears on the

09/29/2003 PTO notice, and so such interpretation is not correct.

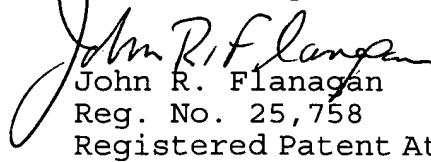
4. The undersigned attorney received Attachment (C) around February 26, 2003 and on February 27, 2004 called the PTO telephone number -- (703) 308-1202 -- set forth at the bottom of the "WITHDRAWAL OF PREVIOUSLY SENT NOTICE" document contained in Attachment (C). Attachment (D) verifies that such telephone call, lasting 20 minutes, was made on that date from the cell phone of the undersigned attorney. The undersigned attorney was put in contact with Mr. Wallace at the PTO to inquire about the meaning of the documents of Attachment (C), in view that the undersigned attorney prior to that time was not aware of any outstanding issue regarding "fees due". As hand-written by the undersigned attorney in a contemporaneously recorded note on the face of the "WITHDRAWAL OF PREVIOUSLY SENT NOTICE" document contained in Attachment (C), Mr. Wallace reported to the undersigned attorney that the overdue funds (which the undersigned attorney recorded as) "\$10 ck received & (\$55 ext.)" had been "paid by Collins". The undersigned attorney asked Mr. Wallace if the undersigned attorney needed to take any additional action (other than the subject telephone call) with regard to this Notice and the telephone conversation ended by Mr. Wallace answering that no reply was necessary since "no outstanding issues remain" (as recorded by the undersigned attorney). The contemporaneously recorded note also contains the initials of, and date of recording by, the undersigned attorney.

5. The undersigned attorney called the PTO a few days ago (given Ref. No. 1-37003339 by a PTO customer service person in case the call was interrupted) in an attempt to ascertain exactly what "reply" was not received by the PTO that prompted this notice of abandonment. The undersigned attorney's call was transferred to Mr. Wallace who told me that the best way for the undersigned attorney to proceed with this matter was to submit my Petition and supporting documents in accordance with one of the avenues mentioned on the notice of abandonment document of Attachment (A). So this is what has been done, although the undersigned attorney is

still uncertain what "reply" is being referred to in the notice of Attachment (A). What is also perplexing to the undersigned attorney, however, is why, if only an addition "fees due" of \$60 should be the reason for the holding of abandonment, it took over two years after the time of the February 27, 2004 conversation to enter the holding of abandonment. The undersigned attorney submits that the two years it took to enter this holding supports the accuracy of the undersigned attorney's explanation of the content of the telephone conversation with Mr. Wallace, in that for some extended period after the February 27, 2004 conversation it appears that the PTO considered the outstanding matter of additional "fees due" had been satisfactorily resolved and that no additional fees were still due; otherwise a holding of abandonment would have been entered and a notice of abandonment sent out at the latest before the end of 2004. In any event, should the PTO now be taking the position that an additional "fees due" of \$60 remains outstanding notwithstanding what Mr. Wallace told the undersigned attorney, the undersigned attorney has herewith submitted his check no. 1337 in the amount of \$60 to resolve this matter once and for all.

6. The undersigned attorney submits that Attachments (B) - (D) and the above explanation provide a sufficient basis for the withdrawal of the notice of abandonment and an action to that effect is respectfully solicited.

Respectfully submitted,

  
John R. Flanagan  
Reg. No. 25,758  
Registered Patent Attorney

Date: May 22, 2006

P.O. Box 2629  
Eugene, OR 97402  
(541) 687-4754  
Fax: (541) 687-5707

**ATTACHMENT (A)**

## UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 22 2006

O I P E  
U S P T O

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/609,276	06/27/2003	Gregory James Newell	BAC-0029

**CONFIRMATION NO. 8307**  
**ABANDONMENT/TERMINATION**  
**LETTER**

John R. Flanagan  
 P. O. Box 2629  
 Eugene, OR 97402

Date Mailed: 04/19/2006

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 09/29/2003.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

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*A copy of this notice **MUST** be returned with the reply.*

*R128*  
Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382  
PART 2 - COPY TO BE RETURNED WITH RESPONSE

ATTACHMENT (B)



ACCOMPANYING THIS POSTCARD FOR FILING IN USPTO  
ARE FOLLOWING:

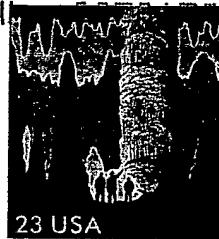
- (1) TRANSMITTAL LTR  
(2) CY, OR "NOTICE TO FILE CORRECTED APPLICATION  
PAPERS"  
(3) 1 SET OF PHOTOCOPIES OF 10, REPLACEMENT  
PATENT DRAWINGS

App'l: GREGORY JAMES NEWELL S/N: 10/609,276

PLEASE STAMP DATE OF RECEIPT & RETURN



SHEETS OF



Carlsbad Caverns National Park, NM

John R. Flanagan  
P.O. Box 2629  
Eugene, OR 97402

BEST AVAILABLE COPY



Docket No. 14P29

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Gregory James Newell  
Serial No. : 10/609,276  
Filing Date : June 27, 2003  
Art Unit : 3652  
Examiner :  
For : RECONFIGURABLE POWER HANDLING DEVICE

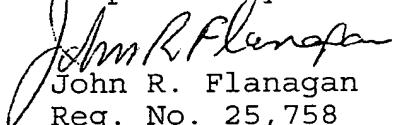
Mail Stop MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

TRANSMITTAL LETTER

This is in response to the attached copy of the "Notice To File Corrected Application Papers - Filing Date Granted" which was mailed from the U.S. PTO on September 29, 2003. Transmitted herewith for filing in the above-identified patent application is one set of photocopies of ten (10) sheets of replacement patent drawings with corrected margins which will correct the informality cited in the attached notice.

Respectfully submitted,

  
John R. Flanagan  
Reg. No. 25,758  
Registered Patent Attorney

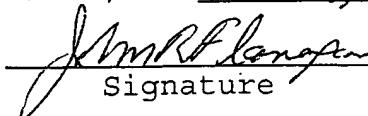
Date: Nov 28, 2003

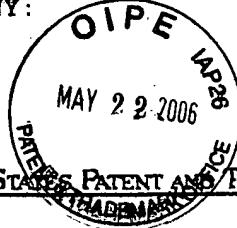
P.O. Box 2629  
Eugene, OR 97402  
(541) 687-4754  
Fax: (541) 687-5707

Certificate of Mailing under 37 C.F.R. 1.8

I hereby certify that this Transmittal Letter, copy of a Notice To File Corrected Application Papers, and one set of ten sheets of replacement patent drawings are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on Nov 28, 2003.

By: John R. Flanagan  
Reg. No. 25758

 11/28/03  
Signature Date



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
700 Dulany Street  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/609,276	06/27/2003	Gregory James Newell	BAC-0029

**CONFIRMATION NO. 8307**

**FORMALITIES LETTER**



Date Mailed: 09/29/2003

**NOTICE TO FILE CORRECTED APPLICATION PAPERS**

***Filing Date Granted***

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch). See Figures(s) 1b, 3, 6, 10h.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice MUST be returned with the reply.*

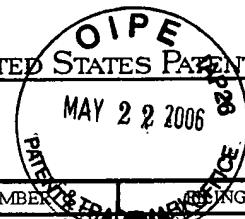
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Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY

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UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
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Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

ATTACHMENT (c)

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/609,276	06/27/2003	Gregory James Newell	BAC-0029

CONFIRMATION NO. 8307

WITHDRAWAL NOTICE



\*OC000000011912378\*

Date Mailed: 02/23/2004

WITHDRAWAL OF PREVIOUSLY SENT NOTICE

The Notice mailed on 01/16/2004 was sent in error and is hereby withdrawn. A corrected Notice is enclosed. The time period for reply runs from the mail date of the corrected Notice. We apologize for any inconvenience this caused.

Closed  
 P. Wallace @ PTO  
 reported 10 ch reads & \$5 - st read  
 not outstanding fees remain  
 JPF  
 02/27/04

*A copy of this notice MUST be returned with the reply.*

*H-San*  
 Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

# T-Mobile

Statement For: JOHN R. FLANAGAN  
 Mobile Number: (541) 514-4754  
 Account Number: 284840584

Customer Service Number 1-800-937-8997

Mar 06, 2004

Page 4 of 5

Customer Service Number 1-800-937-8997

Page 5 of 5

Statement For: JOHN R. FLANAGAN  
 Mobile Number: (541) 514-4754  
 Account Number: 284840584

Page 5 of 5

### LOCAL AIRTIME, LONG DISTANCE and INTERNATIONAL CHARGES

Date	Cell Destination	Time	Number Called	Call Type	Minutes	Airtime Charge	Toll Charge	Total
2/07/04	Jackson, WY	8:52 AM	307-733-5439		30	\$ -	\$ -	\$ -
2/08/04	Eugene, OR	11:19 AM	541-688-7676		14	\$ -	\$ -	\$ -
2/10/04	Eugene, OR	11:00 AM	541-688-7676		5	\$ -	\$ -	\$ -
2/14/04	Jackson, WY	7:55 AM	307-733-5439		27	\$ -	\$ -	\$ -
2/14/04	Jackson, WY	9:05 AM	307-733-5439		2	\$ -	\$ -	\$ -
2/14/04	Jackson, WY	10:07 AM	307-733-3121		2	\$ -	\$ -	\$ -
2/14/04	Jackson, WY	10:09 AM	307-733-5276		2	\$ -	\$ -	\$ -
2/14/04	Jackson, WY	10:18 AM	307-733-0033		1	\$ -	\$ -	\$ -
2/14/04	Jackson, WY	10:17 AM	307-733-2648		1	\$ -	\$ -	\$ -
2/14/04	Jackson, WY	10:19 AM	307-733-2648		1	\$ -	\$ -	\$ -
2/14/04	Jackson, WY	10:21 AM	307-733-5363		2	\$ -	\$ -	\$ -
2/14/04	Jackson, WY	10:23 AM	307-733-1620		1	\$ -	\$ -	\$ -
2/14/04	Jackson, WY	10:23 AM	307-733-0833		1	\$ -	\$ -	\$ -
2/14/04	Jackson, WY	10:28 AM	307-733-3582		2	\$ -	\$ -	\$ -
2/14/04	Jackson, WY	10:30 AM	307-733-3480		2	\$ -	\$ -	\$ -
2/14/04	Jackson, WY	10:33 AM	307-733-3688		2	\$ -	\$ -	\$ -
2/14/04	Afton, WY	10:38 AM	307-885-3856		1	\$ -	\$ -	\$ -
2/14/04	Jackson, WY	10:39 AM	307-733-3444		2	\$ -	\$ -	\$ -
2/14/04	Jackson, WY	10:44 AM	307-733-5363		1	\$ -	\$ -	\$ -
2/18/04	Mar Vista, CA	3:06 PM	310-313-2237		1	\$ -	\$ -	\$ -
2/19/04	Boston, MA	1:21 PM	617-526-5343		2	\$ -	\$ -	\$ -
2/21/04	Jackson, WY	7:49 AM	307-733-5439		30	\$ -	\$ -	\$ -
2/22/04	Gainesvl, FL	1:32 PM	352-331-2556		1	\$ -	\$ -	\$ -
2/22/04	Jacksonvl, FL	1:33 PM	904-378-7802		1	\$ -	\$ -	\$ -
2/23/04	Eugene, OR	10:35 AM	541-688-7676		2	\$ -	\$ -	\$ -
2/24/04	Eugene, OR	11:02 AM	541-688-7676		3	\$ -	\$ -	\$ -
2/24/04	Spokane, WA	2:20 PM	509-244-3860		3	\$ -	\$ -	\$ -
2/24/04	Ogden No. UT	4:31 PM	801-334-0060		2	\$ -	\$ -	\$ -
2/26/04	Cheshire, CT	3:44 PM	203-250-0865		2	\$ -	\$ -	\$ -
2/27/04	Arlington, VA	7:31 AM	703-308-1202		20	\$ -	\$ -	\$ -
2/27/04	Jackson, WY	8:05 AM	307-733-5433		6	\$ -	\$ -	\$ -
2/28/04	Jackson, WY	8:08 AM	307-733-5433		24	\$ -	\$ -	\$ -
2/28/04	Jackson, WY	10:02 AM	307-733-5433		4	\$ -	\$ -	\$ -
2/28/04	Jackson, WY	10:08 AM	307-733-3014		2	\$ -	\$ -	\$ -
2/28/04	Jackson, WY	4:08 PM	307-733-5433		2	\$ -	\$ -	\$ -
2/29/04	Jackson, WY	9:11 AM	307-733-5433		1	\$ -	\$ -	\$ -

Call Type: (A) Call Waiting (B) Call Forward (C) Conference Call (E) Data/Fax (F) Mobile2Mobile (G) Voicemail (H) Free Calls  
 (K) WPS Call

Call Type: (A) Call Waiting (B) Call Forward (C) Conference Call (E) Data/Fax (F) Mobile2Mobile (G) Voicemail (H) Free Calls  
 (K) WPS Call

ATTACHMENT (D)

